

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**EDIN KARAHODZIC and
EDIN KARAHODZIC, as
Personal representative of the
Estate of HASIB KARAHODZIC**

Plaintiffs,

vs.

**JBS CARRIERS INC. and ORENTIO
THOMPSON,**

Case No. 12-cv-1040-DRH

Defendants.

ORDER

HERNDON, District Judge:

Pending before the Court is defendants' motion to continue trial setting of May 9, 2016 (Doc. 143). Defendants indicate a need for additional time before trial due to recently discovered health concerns of defendants' retained expert, Dennis Wylie. The condition makes Wylie unavailable to attend and testify on the currently scheduled trial date. Plaintiffs oppose the continuance on various grounds (Doc. 144.) However, the Court will not entertain reargument on the merits of plaintiffs' motion seeking to exclude Wylie's testimony. Furthermore, defendant's characterization in this motion regarding what Wylie will testify to does not trump the Court's ruling on the matter.

The issue at hand is whether the defendants should be forced to forego a witness, whom they consider critical to their case, due to an unforeseen medical procedure completely out of their control and that of the witness. To do so would

be fundamentally unfair, and the Court will not require the defendants to do without the expert at trial. Therefore, defendant's motion to continue trial setting of May 9, 2016 (Doc. 143) is **GRANTED**. The Court **CONTINUES** the jury trial scheduled for May 9, 2016, to **Monday, August 29, 2016, at 9:00 a.m.**

IT IS SO ORDERED.

Signed this 7th day of April, 2016.

 Digitally signed
by Judge David
R. Herndon
Date: 2016.04.07
13:09:49 -05'00'



United States District Judge